

CITY OF ALAMO HEIGHTS
CITY COUNCIL
July 21, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:00 p.m. on Monday, July 21, 2008.

Present and composing a quorum were:

Mayor Louis Cooper
Councilman Stan McCormick
Councilman Bobby Rosenthal
Mayor Pro-Tempore Councilwoman Jill Souter
Councilman Bill Kiel
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brennan
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Human Resource Manager/Deputy City Secretary Judith E. Surratt
City Secretary Denise M. Silva
Community Development Director Ann McGlone
Police Chief Rick Pruitt
Fire Chief Bill Hagendorf

Absent:

Public Works Director Shawn P. Eddy

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Mayor Louis Cooper called the meeting to order at 5:05 p.m. and announced that City Council would be conducting a closed meeting with its attorney to seek advice regarding pending litigation, Boyar v. City of Alamo Heights, in accordance with the Texas Government Code, Section 551.071. Mayor Cooper then adjourned to Executive Session at 5:06 p.m.

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Mayor Cooper reconvened the open session of the City Council meeting at 5:26 p.m. There was no action to be taken on the business discussed in the closed session. City Council took a short break before beginning the regular City Council meeting at 5:30 p.m.

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Item #2 Mayor Cooper asked City Council for any corrections to the minutes of the June 23, 2008, City Council Special Meeting/Work Session. A motion was made by Councilwoman Susan Harwell to approve the minutes of June 23, 2008 as submitted. Motion was seconded by Councilwoman Jill Souter and passed by unanimous vote.

Mayor Cooper then asked City Council for any corrections to the minutes of the June 23 2008, City Council Meeting. After brief discussion, motion was made by Councilman Bobby Rosenthal to approve the minutes of June 23, 2008 as amended. Motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

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At this time, Mayor Cooper moved to item #4 on the agenda.

Staff Reports

Item #4 Architectural Review Board Chairman Mike McGlone presented the annual report from the Architectural Review Board. The report contained statistics on the cases reviewed by the ARB in 2007, issues the board would like to see the Comprehensive Plan address and recommendations to review the Sign Ordinance and parking in the multi-family district. Mr. McGlone also briefed City Council on the expansion of checklists for applicant submissions to ARB. (A copy of this report is made part of the official papers of this meeting.)

Mayor Cooper and City Council members thanked Mr. McGlone and the Architectural Review Board for the report and their service to the community.

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Item #3 City Manager's Report

City Manager Rebecca Waldman presented the City of Alamo Heights 2008-2009 Strategic Action Plan. Ms. Waldman provided background on the development of the action plan and reviewed the mission statement, vision, core values and goals. Ms. Waldman listed the action steps under each goal/committee. (A copy of this report is made part of the official papers of this meeting.)

Councilwoman Jill Souter stated she would like to see signage added to the strategic action plan under Neighborhood Character and Commercial Revitalization to address signage as recommended by the Architectural Review Board in Mr. McGlone's presentation.

Councilwoman Susan Harwell suggested staff and City Council meet in the Fall to evaluate the progress of the action steps in the Strategic Action Plan. During discussion, it was determined that City Council and staff would meet possibly in January or February 2009 to review the Strategic Action Plan at the beginning of the development of the FY10 budget process.

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Citizens To Be Heard Concerning Non-Agenda Items

Justin Rosenthal, 721 Corona, introduced himself as having recently formed the Alamo Heights Service Council which is a group of high school students interested in assisting the city with service projects. Mr. Rosenthal explained that the group would work voluntarily through the City Manager for direction to work with city departments and staff.

Margaret Spencer, 140 Patterson, inquired if review of the design and architecture of new homes will be a part of the Strategic Action Plan. Mayor Cooper explained that the Comprehensive Plan will address that issue.

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Consent Items

Mayor Cooper read the captions to the following items.

Item #5 Approval of the Bexar Metro 9-1-1 Network District FY08 Proposed Budget

Item #6 Adoption of the City of Alamo Heights 2008-2009 Strategic Action Plan

Item #7 An Ordinance amending Chapter 3 of the Code of Ordinances entitled Zoning by repealing special height regulations for permitted institutions such as schools and churches in SF-A, SF-B, 2F-C, MF-D, O-1 and P Districts and authorizing height exceptions for permitted uses in Article X, Section 3-87 Specific Use Permits requiring Planning and Zoning Commission review and recommendation for consideration by the City Council

Item #8 An Ordinance amending Chapter 18 of the Code of Ordinances, Traffic, Article VI, Traffic Schedules, Section 18-152. Schedule G - "Parking Prohibited or Limited on Certain Streets" by prohibiting parking at all times on certain portions of Harrigan Court, by prohibiting parking between 7:00 a.m. and 5:00 p.m., Monday – Friday, on the north side of Burr Road between Broadway and N. New Braunfels Avenue, and requiring permit parking from 7:00 a.m. to 5:00 p.m., Monday-Friday on the north and south sides of Katherine Court between Broadway and N. New Braunfels Avenue. The provisions of this ordinance were approved by the City Council on June 23, 2008, but the ordinance presented to the City Council at that meeting required revisions to accommodate a new parking permit section of the code for the Katherine Court restrictions.

Staff recommendation was approval of each consent item. A motion was made by Councilwoman Jill Souter to approve consent items #6 and #8 and pull items #5 and #7 for discussion. Motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

Police Chief Rick Pruitt answered Councilwoman Souter's questions concerning the Bexar Metro 9-1-1 Network District.

Referring to consent item #7, Councilwoman Souter stated there was some confusion in a recent newspaper article and wanted to assure citizens that the change made to the ordinance was not aimed at any person, group, school, church or institution. Councilwoman Souter emphasized that the main reason the ordinance was changed by City Council was to establish a public forum in which citizens would be notified and public hearings could take place. Councilwoman Souter added that the ordinance does not exclude anyone from making a request to exceed the height limit but applicants would have to go through a more thorough process.

A motion was then made by Councilwoman Souter to approve consent items #5 and #7.

Councilman Bill Kiel apologized for a statement he made to a reporter in a recent newspaper article. Councilman Kiel stated that he made an error by not advising the reporter that the comment he made about the Incarnate Word Retirement Center was based on secondhand information. Councilman Kiel clarified that he did not discuss nor make the statement in the article concerning Incarnate Word and the use of Alamo Heights water. Councilman Kiel indicated that the statement in the article could be construed as being made by him but Councilman Kiel stated that he has always supported Alamo Heights providing water to Incarnate Word.

Motion was seconded by Councilwoman Susan Harwell and passed by unanimous vote.

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Items for Individual Consideration.

Item #9 Acceptance of a Donation from Alamo Heights Rotary Club in the amount of \$3,180.00 to fund the Alamo Heights Citizens' Emergency Services Academy, the Alamo Heights Youth Emergency Services Academy, and the Alamo Heights Police/EMS/Fire Explorer Post

Police Chief Pruitt provided background information on the Rotary and explained that the organization supports community service activities.

After discussion, a motion was made by Councilman Stan McCormick to accept the generous donation from Alamo Heights Rotary Club. Motion was seconded by Councilman Bill Kiel and passed by unanimous vote.

Mayor Cooper and Council members thanked Mr. Richard Berchin, representing the Alamo Heights Rotary, for the generous donation.

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Item #10 Consideration of Architectural Review Board Case No. 314, submitted by Mike Hagar of the Alamo Heights Independent School District, for 1214 Townsend Avenue, proposed upgrade of the Cambridge Elementary playground on property zoned Multi-Family D and authorizing the City Manager to execute a Memorandum of Understanding related to the playground fence on city property

Community Development Director Ann McGlone stated that the school district is requesting permission to renovate the existing Cambridge Elementary School playground and explained the proposed improvements. Ms. McGlone stated that the site survey revealed that the existing chain link fence is located on city property and the new chain link fence will be placed in the exact line of the existing fence. Ms. McGlone explained that the Memorandum of Understanding with the school district will release and indemnify the City from any claims.

After discussion, a motion was made by Councilwoman Jill Souter to approve the request submitted by the Alamo Heights Independent School District and authorize the City Manager to execute a Memorandum of Understanding related to the playground fence on

city property. Motion was seconded by Councilman Bobby Rosenthal and passed by unanimous vote.

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Item #11 Consideration of a Request for a Demolition Permit for 429 College Blvd., submitted by Keith Shelly, owner, to demolish the entire roof (after the fact) and 37% of exterior walls of the existing one-story detached garage for the purpose of constructing a new one and a half-story detached garage on a property zoned Single Family-A

Ms. McGlone provided background information on the request for 429 College Blvd. Ms. McGlone advised City Council that the applicant had removed the entire roof prior to obtaining the demolition permit and paid a \$2,000.00 fine for violating the provisions of Chapter 5, Article XII relating to the Demolition Delay process. Ms. McGlone reviewed the plans for the proposed new one and a half-story detached garage and added that staff recommends approval of the demolition permit request.

Richard Garrison, Architect representing the owner, answered City Council's questions concerning the project and stairs.

Ann Coiner, 430 Evans, inquired on the distance the project will be to her property line. Mr. Garrison stated that the project will be a total of 8 feet from the rear property line.

After brief discussion, a motion was made by Councilman Bobby Rosenthal to approve the demolition permit for 429 College. Motion was seconded by Councilwoman Susan Harwell and passed by unanimous vote.

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Item #12 Consideration of an amendment of the Demolition Permit for 114 Routt Street by allowing 100% demolition of the exterior walls of the main house (after the fact) instead of the 22% demolition of exterior walls and 100% of the roof as originally approved by the City Council on January 12, 2007

Ms. McGlone provided background information on the request for 114 Routt Street. Ms. McGlone reported that the general contractor removed all the walls of the main structure instead of only 22% of the walls as originally approved by City Council. Ms. McGlone explained that the owner, Mr. A. K. Makiya, is requesting to amend the existing demolition permit and has provided information stating that fire damage and the physical conditions of the walls led to 100% demolition. Ms. McGlone advised City Council that the City has assessed the applicant a \$5,000.00 fine for exceeding the authority granted in the demolition permit. Ms. McGlone added that the applicant is scheduled to appear in court on August 15, 2008 for violating the provisions of Chapter 5, Article XII relating to the Demolition Delay process. Ms. McGlone noted that the owner plans to construct the same two-story single family house that was reviewed by City Council on January 12, 2008 and added that staff recommends approval of the demolition permit request.

Pete Kelly-Zion, 118 Routt, stated he and his wife support the project and believe that the proposed project will enhance the neighborhood.

During discussion between City Council and staff, Councilwoman Jill Souter requested staff bring back to City Council an ordinance or policy to address fines and procedures for staff to follow when contractors find there is more work involved in a demolition project than originally thought. Councilwoman Souter stated that contractors should contact the city immediately and city staff should have discretion to respond immediately. The policy or ordinance needs to indicate procedures to stop work on a project if a contractor fails to contact the city and proceeds with demolition, and should also address fines. Councilwoman Souter added that it was not fair to those individuals who abide by the guidelines. Councilwoman Souter asked that the proposed policy or ordinance be reviewed by the Neighborhood Character and Commercial Revitalization Committee prior to City Council consideration.

After discussion, a motion was made by Councilwoman Jill Souter to approve the amendment to the demolition permit request for 114 Routt Street. Motion was seconded by Councilwoman Susan Harwell and passed by unanimous vote.

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There being no further business, a motion was made by Councilman Stan McCormick to adjourn the meeting. Motion was seconded by Councilman Bill Kiel and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:00 p.m.



Louis Cooper
Mayor



Denise M. Silva
City Secretary